

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
28-CA-278937Date Filed
June 21, 2021**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Mission Support & Test Services, LLC (MSTS)		b. Tel. No. (b) (6), (b) (7)(C)
		c. Cell No. (b) (6), (b) (7)(C)
		f. Fax No.
d. Address (Street, city, state, and ZIP code) P.O. Box 98521, M/S NLV021 NV North Las Vegas 89193	e. Employer Representative (b) (6), (b) (7)(C)	g. e-Mail (b) (6), (b) (7)(C)@nv.doe.gov
		h. Number of workers employed 500
i. Type of Establishment (factory, mine, wholesaler, etc.) Construction Services	j. Identify principal product or service Maintenance & Operations	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)Darrin Bradburn
Teamsters Local 613**4a. Address (Street and number, city, state, and ZIP code)**700 North Lamb Blvd
NV Las Vegas 891104b. Tel. No.
(702) 672-55294c. Cell No.
(702) 672-5529

4d. Fax No.

4e. e-Mail
darrinb@teamsters631.com**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

International Brotherhood of Teamsters

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Darrin A. Bradburn

By
(signature of representative or person making charge)Darrin Bradburn
Title:
(Print/type name and title or office, if any)Tel. No.
(702) 672-5529Office, if any, Cell No.
(702) 672-5529

Fax No.

e-Mail
darrinb@teamsters631.com700 North Lamb Blvd
Address Las Vegas NV 8911006/21/2021 10:33:50 AM
(date)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
Using Non-Signatory Company to perform Union Work	May 11, 2021 to present



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28

2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004-3099

Agency Website: www.nlr.gov
Telephone: (602)640-2160
Fax: (602)640-2178



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June 23, 2021

Mission Support & Test Services, LLC (MSTS)
P.O. Box 98521
M/S NLV021
North Las Vegas, NV 89193

Re: Mission Support & Test Services, LLC
(MSTS)
Case 28-CA-278937

Ladies and Gentlemen:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Nathan A. Higley whose telephone number is (702)820-7467. The mailing address is 300 Las Vegas Boulevard South Suite 2-901, Las Vegas, NV 89101. If this Board agent is not available, you may contact Supervisory Field Attorney Christopher J. Doyle whose telephone number is (602)416-4762.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Cornele A. Overstreet
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

CAO/NAH/mhz

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 28-CA-278937
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
--	--

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
------	-------	----------------	-------------

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MISSION SUPPORT & TEST SERVICES, LLC (MSTS)

Charged Party

and

**INTERNATIONAL BROTHERHOOD OF TEAMSTERS
LOCAL 631**

Charging Party

Case 28-CA-278937

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 23, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Mission Support & Test Services, LLC (MSTS)
P.O. Box 98521
M/S NLV021
North Las Vegas, NV 89193

June 23, 2021

Date

Mary H. Zorn, Designated Agent of NLRB

Name

/s/ Mary H. Zorn

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004-3099

Agency Website: www.nlrb.gov
Telephone: (602)640-2160
Fax: (602)640-2178



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June 23, 2021

International Brotherhood of Teamsters Local 631
700 North Lamb Boulevard
Las Vegas, NV 89110

Re: Mission Support & Test Services, LLC
(MSTS)
Case 28-CA-278937

Ladies and Gentlemen:

The charge that you filed in this case on June 21, 2021 has been docketed as case number 28-CA-278937. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Nathan A. Higley whose telephone number is (702)820-7467. The mailing address is 300 Las Vegas Boulevard South Suite 2-901, Las Vegas, NV 89101. If this Board agent is not available, you may contact Supervisory Field Attorney Christopher J. Doyle whose telephone number is (602)416-4762.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cornele A. Overstreet", written in a cursive style.

CORNELE A. OVERSTREET
Regional Director

Copy of charge only sent to:

Bradley T. Raymond, General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue NW
Washington, DC 20001-2130

CAO/NAH/mhz

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Mission Support & Test Services, LLC (MSTS)

and

Teamsters Local 631

CASE 28-CA-278937

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Mission Support & Test Services, LLC (MSTS)


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Lynne K. McChrystal
MAILING ADDRESS: 300 S. 4th Street, Suite 900, Las Vegas, NV 89101
E-MAIL ADDRESS: lynne.mcchrystal@jacksonlewis.com
OFFICE TELEPHONE NUMBER: 702-921-2456
CELL PHONE NUMBER: _____ FAX: 702-921-2461
SIGNATURE: 
(Please sign in ink.)
DATE: 07/06/2021

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL COUNSEL OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Mission Support & Test Services, LLC (MSTS)

and

Teamsters Local 631

CASE 28-CA-278937

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Mission Support & Test Services, LLC (MSTS)


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

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(REPRESENTATIVE INFORMATION)

NAME: Paul T. Trimmer
MAILING ADDRESS: 300 S. 4th Street, Suite 900, Las Vegas, NV 89101
E-MAIL ADDRESS: paul.trimmer@jacksonlewis.com
OFFICE TELEPHONE NUMBER: 702-921-2472
CELL PHONE NUMBER: _____ FAX: 702-921-2461
SIGNATURE: 
(Please sign in ink.)
DATE: 07/06/2021

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL COUNSEL OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 28
2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004-3099

Agency Website: www.nlr.gov
Telephone: (602)640-2160
Fax: (602)640-2178

October 6, 2021

Lynne K. McChrystal, Attorney at Law
Paul T. Trimmer, Attorney at Law
Jackson Lewis P.C.
300 South 4th Street, Suite 900
Las Vegas, NV 89101

Teamsters, Chauffeurs, Warehousemen and Helpers,
Local Union No. 631, affiliated with
International Brotherhood of Teamsters
700 North Lamb Boulevard
Las Vegas, NV 89110

Re: Mission Support & Test Services, LLC
(MSTS)
Case 28-CA-278937

Ladies and Gentlemen:

The Region has reviewed the Charge filed against Mission Support & Test Services, LLC (MSTS), alleging that it violated the National Labor Relations Act. As explained below, I have determined that further proceedings on the Charge should be deferred in accordance with the Board's policy under *Dubo Manufacturing Company*, 142 NLRB 431 (1963).

Deferral Policy: The Board's *Dubo* deferral policy provides that this Agency withhold making a final determination on certain unfair labor practice charges when a grievance has been filed by the Charging Party under the grievance/arbitration provisions of a relevant collective bargaining agreement, and there is a reasonable chance that use of the grievance/arbitration machinery will resolve or set at rest the dispute underlying the charge. This policy is based in part on encouraging stability in labor relations by deferring to the parties' chosen means of dispute resolution, as well as avoiding duplicative litigation in multiple forums. Therefore, if the grievance continues to be processed through the grievance/arbitration machinery, the Regional Office will defer the charge.

Decision to Defer: Based on the Region's investigation of this matter, I am deferring further proceedings on the charge or portion of the charge that alleges that MSTS violated Section 8(a)(5) of the Act by making a unilateral change by contracting third-party drivers to haul the aggregate within the Nevada National Security Site. I am making this determination based on my belief that there is sufficient commonality between the facts and issues underlying the allegations of the charge and the facts and issues underlying the allegations of the grievance that there is a reasonable chance that the parties' resolution of the grievance through the grievance/arbitration machinery will resolve or set at rest the dispute underlying the charge.

No Right of Appeal: Because the *Dubo* policy is based on the Charging Party's having filed and voluntarily processed a grievance under the parties' contractual dispute resolution process, there is no right to appeal the Region's deferral decision to the Office of the General Counsel.

Further Processing of the Charge: As explained below, while the charge is deferred, the Region will monitor the processing of the grievance and, under certain circumstances, may resume processing the charge.

Charging Party's Conduct During Dubo Deferral: Because *Dubo* deferral is dependent on the Charging Party's processing of a grievance through the grievance/arbitration procedure, the Region will revoke deferral and resume processing of the charge if the grievance is withdrawn by the Charging Party or a third party in control of the grievance/arbitration process, without an intervening settlement or other resolution of the issues on which deferral was based. However, in the event that a Charging Party elects to withdraw a grievance in lieu of *Dubo* deferral, and the Charged Party objects on the ground that deferral would be appropriate under the Board's separate, nonvoluntary deferral policy promulgated pursuant to *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984), the Region will determine whether deferral under *Collyer* is appropriate and, if so, issue a separate notification to the parties addressing their obligations and rights under that deferral policy.

Charged Party's Conduct During Dubo Deferral: If the Charged Party prevents or impedes hearing and resolution of the grievance, raises a timeliness defense, or otherwise refuses to address the merits of the grievance in the grievance/arbitration process, I will revoke deferral and resume processing of the charge.

Inquiries and Requests for Further Processing: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and whether continued deferral is appropriate. However, I will accept and consider at any time requests and supporting evidence submitted by any party to this matter for dismissal of the charge, for continued deferral of the charge or for issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the award is sent to the parties.

October 6, 2021

Review of Arbitrator's Award: If the grievance is arbitrated, the Charging Party may request that this office review the arbitrator's award. The request must be in writing and addressed to me. The request should discuss whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is clearly repugnant to the Act. Further guidance on the nature of this review is provided in *Spielberg Mfg. Co.*, 112 NLRB 1080 (1955), and *Olin Corp.*, 268 NLRB 573 (1984).

Very truly yours,

/s/ Cornele A. Overstreet

Cornele A. Overstreet
Regional Director

Enclosure

cc: Mission Support & Test Services, LLC (MSTS)
P.O. Box 98521
M/S NLV021
North Las Vegas, NV 89193

CAO/NAH/mhz

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
NOTICE TO ARBITRATOR

TO: _____
(Arbitrator)

(Address)

NLRB Case Number
28-CA-278937

NLRB Case Name: Mission Support & Test Services, LLC (MSTS)

A determination has been made by the Regional Director of Region 28 of the National Labor Relations Board to administratively defer to arbitration the further processing of the NLRB charge in the above matter. Further, both parties to the NLRB case have agreed to proceed to arbitration before you in order to resolve the dispute underlying the NLRB charge.

So that the Regional Director can be promptly informed of the status of the arbitration, the undersigned hereby requests that a copy of the arbitration award be sent to Regional Director, Region 28, 2600 North Central Avenue -Suite 1400, Phoenix, AZ 85004-3099 at the same time that it is sent to the parties in the arbitration.

(Name)

(Title)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 28

300 Las Vegas Boulevard South
Suite 2-901
Las Vegas, NV 89101

Agency Website: www.nlr.gov
Telephone: (702)388-6416
Fax: (702)388-6248

Agent's Direct Dial: (702)820-7467

January 12, 2022

Paul T. Trimmer, Attorney at Law
Lynne McChrystal, Attorney at Law
Jackson Lewis, L.L.P.
300 South Fourth Street, Suite 900
Las Vegas, NV 89101

Re: Mission Support & Test Services, LLC
(MSTS)
Case 28-CA-278937

Dear Trimmer and Ms. McChrystal:

On October 6, 2021, the above matter was deferred to the parties' grievance/arbitration process.

Please complete the enclosed questionnaire or otherwise inform me in writing by **January 26, 2022** of the status of the underlying grievance(s). If the matter is still pending, please state specifically where in the grievance/arbitration procedure it is pending. If the matter has been resolved, please explain the nature of the settlement and the amount of any backpay paid pursuant to the settlement.

You are encouraged, but not required, to e-file your response by going to the Agency's website at www.nlr.gov, clicking on **E-File Documents**, entering the NLRB Case Number, and following the detailed instructions.

If you have any questions concerning this matter, you can reach me at the number above or leave a message and I will contact you.

Very truly yours,

/s/ Nathan A. Higley

Nathan A. Higley
Field Attorney

Enclosure (Questionnaire)

NAH/ija

1/12/2022

QUESTIONNAIRE REGARDING DEFERRED CASE

Case Name: Mission Support & Test Services, LLC (MSTS)

Case Number: 28-CA-278937

Grievance underlying charge is: (1) No Longer Pending _____ *(Complete question 1)*
(mark the correct choice) (2) Still Pending _____ *(Complete question 2)*

1. No Longer Pending: If the grievance underlying the charge is no longer pending, please mark the box that best describes the disposition of the grievance underlying the deferred case.

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Grievance dropped but no settlement |
| <input type="checkbox"/> | Arbitration held (please provide a copy of the award) |
| <input type="checkbox"/> | Settlement by the Parties |

If this case was settled or resolved, describe briefly below the nature of that settlement or resolution (for example, the Employer agreed not to make the unilateral changes alleged in the charge) and/or provide a copy of any settlement of the grievance. If backpay was paid, please state the amount.

Note: If the grievance has been settled, please sign and date the attached Withdrawal Request and return both this questionnaire and the Withdrawal Request to this office.

2. Still Pending: If this case has NOT been resolved, briefly describe the status of the case (e.g. the date arbitration is scheduled or was held).

(Name and Title of Person completing questionnaire)

(Date)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 28

300 Las Vegas Boulevard South
Suite 2-901
Las Vegas, NV 89101

Agency Website: www.nlr.gov
Telephone: (702)388-6416
Fax: (702)388-6248

Agent's Direct Dial: (702)820-7467

January 12, 2022

Teamsters, Chauffeurs, Warehousemen and
Helpers, Local Union No. 631 affiliated with
International Brotherhood of Teamsters
700 North Lamb Boulevard
Las Vegas, NV 89110

Re: Mission Support & Test Services, LLC
(MSTS)
Case 28-CA-278937

Dear Mr. Bradburn:

On October 6, 2021, the above matter was deferred to the parties' grievance/arbitration process.

Please complete the enclosed questionnaire or otherwise inform me in writing by **January 26, 2022** of the status of the underlying grievance(s). If the matter is still pending, please state specifically where in the grievance/arbitration procedure it is pending. If the matter has been resolved, or if the Charging Party does not wish to proceed, please complete the enclosed Withdrawal Request and return it to this office along with a statement of the reasons for the withdrawal and the amount of any monetary settlement.

You are encouraged, but not required, to e-file your response or withdrawal request by going to the Agency's website at www.nlr.gov, clicking on **E-File Documents**, entering the NLRB Case Number, and following the detailed instructions.

If you have any questions concerning this matter, you can reach me at the number above or leave a message and I will contact you.

Very truly yours,

/s/ Nathan A. Higley

Nathan A. Higley
Field Attorney

Enclosures
Questionnaire
Withdrawal Request

NAH/ija

1/12/2022

QUESTIONNAIRE REGARDING DEFERRED CASE

Case Name: Mission Support & Test Services, LLC (MSTS)

Case Number: 28-CA-278937

Grievance underlying charge is: (1) No Longer Pending _____ (Complete question 1)
(mark the correct choice) (2) Still Pending _____ (Complete question 2)

1. No Longer Pending: If the grievance underlying the charge is no longer pending, please mark the box that best describes the disposition of the grievance underlying the deferred case.

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Grievance dropped but no settlement |
| <input type="checkbox"/> | Arbitration held (please provide a copy of the award) |
| <input type="checkbox"/> | Settlement by the Parties |

If this case was settled or resolved, describe briefly below the nature of that settlement or resolution (for example, the Employer agreed not to make the unilateral changes alleged in the charge) and/or provide a copy of any settlement of the grievance. If backpay was paid, please state the amount.

Note: If the grievance has been settled, please sign and date the attached Withdrawal Request and return both this questionnaire and the Withdrawal Request to this office.

2. Still Pending: If this case has NOT been resolved, briefly describe the status of the case (e.g. the date arbitration is scheduled or was held).

(Name and Title of Person completing questionnaire)

(Date)

FORM NLRB-601

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

WITHDRAWAL REQUEST

In the matter of **Mission Support & Test Services, LLC** Case **28-CA-278937**
(MSTS)

This is to request withdrawal of the charge in the above case.

**Teamsters, Chauffeurs, Warehousemen and
Helpers, Local Union No. 631, affiliated with
International Brotherhood of Teamsters**

(Name of Party Filing Charge)

By:

(Title)

Date:

Withdrawal request approved:

(Date)

Regional Director, Region 28
National Labor Relations Board